

**PLANNING & ZONING COMMISSION**

ROBERT C. WHEATLEY, CHAIRMAN  
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**Sussex County**

DELAWARE  
sussexcountyde.gov  
302-855-7878 T  
302-854-5079 F  
JAMIE WHITEHOUSE, MRTPI, AICP  
DIRECTOR OF PLANNING & ZONING

**PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET**  
Planning Commission Public Hearing Date: August 12th, 2021

Application: CU 2289 Leah Beach

Applicant: Leah Beach  
8A Saulsbury Street  
Dewey Beach, DE 19971

Owner: James Chaconas  
387 County Road 304  
Floresville, TX 78114

Site Location: Marketplace – Southwest corner of Canal Crossing Road and Central Avenue  
Off-site Parking – Northeast corner of Hebron Road (Rt. 273) and Rehoboth Avenue Extended

Current Zoning: General Commercial (C-1) Zoning District

Proposed Use: Outdoor Marketplace

Comprehensive Land Use Plan Reference: Coastal Area

Councilmanic District: Mr. Hudson

School District: Cape Henlopen School District

Fire District: Rehoboth Beach Fire Company

Sewer: Sussex County – Central Sewer

Water: City – Rehoboth Beach

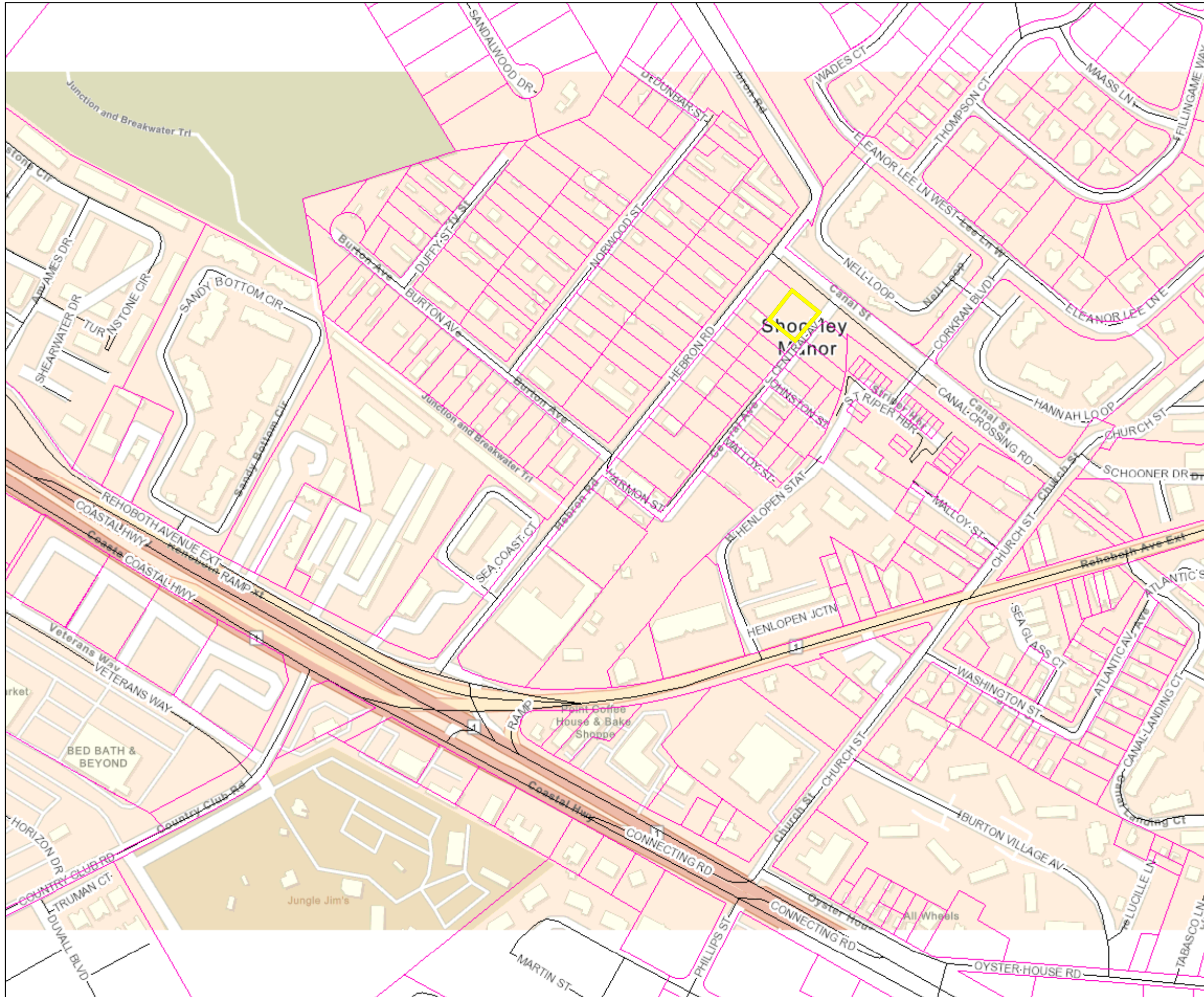
Site Area: Marketplace site – Approximately 10,800 square feet  
Off-site parking – P/o 1.98 acres

Tax Map ID.: 334-13.20-21.00 (marketplace) & 334-13.19-79.00 (p/o for off-site parking)





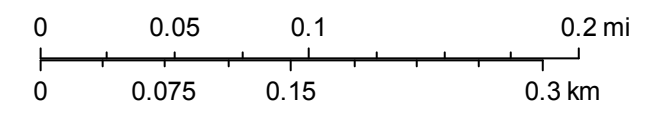
# Sussex County



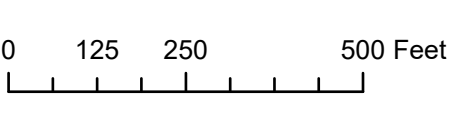
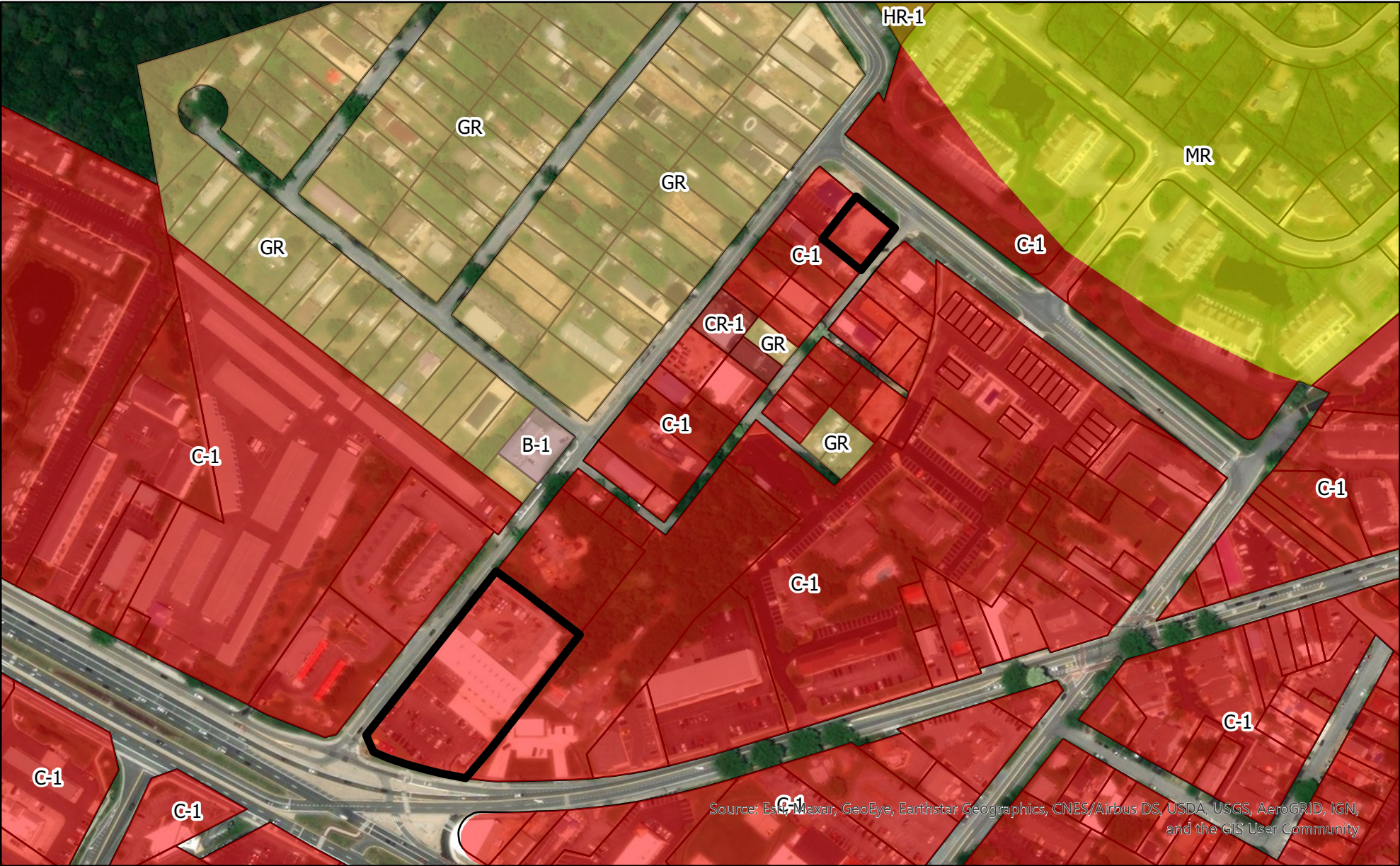
<b>PIN:</b>	334-13.20-21.00
<b>Owner Name</b>	CHACONAS JAMES N
<b>Book</b>	4119
<b>Mailing Address</b>	387 COUNTY ROAD #304
<b>City</b>	FLORESVILLE
<b>State</b>	TX
<b>Description</b>	SHOCKLEY SUBD
<b>Description 2</b>	LOTS 17 18
<b>Description 3</b>	
<b>Land Code</b>	

- polygonLayer  
   Override 1
- polygonLayer  
   Override 1
- Tax Parcels
- Streets
- County Boundaries

1:4,514



# Zoning Map CU 2289 (Leah Beach)

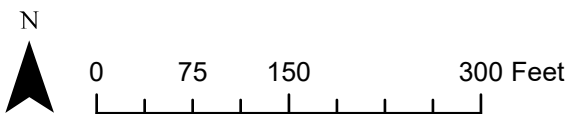


The purpose of this map is to show the zoning classification for TMP:  
334-13.20-21.00 & 334-13.19-79.00 and surrounding parcels. The subject parcels are  
in bold.

# Concept Map for CU 2289 (Leah Beach)



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



JAMIE WHITEHOUSE, AICP, MRTPI  
DIRECTOR OF PLANNING & ZONING  
(302) 855-7878 T  
(302) 854-5079 F  
jamie.whitehouse@sussexcountyde.gov



Sussex County

DELAWARE  
sussexcountyde.gov

## Memorandum

To: Sussex County Planning Commission Members  
From: Chase Phillips, Planner I  
CC: Vince Robertson, Assistant County Attorney and applicant  
Date: August 2<sup>nd</sup>, 2021  
RE: Staff Analysis for CU 2289 Leah Beach

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This memo provides a background and analysis for the Planning Commission to consider as a part of application Conditional Use No. 2289 (Leah Beach) to be reviewed during the August 2<sup>nd</sup>, 2021 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

This Conditional Use request is for Tax Parcels 334-13.20-21.00 and 334-13.19-79.00 to allow for an outdoor marketplace and off-site parking to be located in a General Commercial (C-1) Zoning District. Tax Parcel 334-13.20-21.00 (Parcel A) is located on the southwest corner of Canal Crossing Road and Central Avenue, approximately 300 feet east of Hebron Road (Rt. 273). Parcel A is approximately 10,800 square feet which is equivalent to 0.247 acres +/- . Tax Parcel 334-13.19-79.00, Parcel B, is located on the northeast corner of Rehoboth Avenue Extended and Hebron Road. Parcel B is 0.327 acres +/- . Parcel A serves as the subject property for the outdoor marketplace and vendors while a portion of Parcel B is intended to be utilized as off-site parking from which a shuttle will transport attendees to the subject site.

The 2018 Sussex County Comprehensive Plan provides a framework for how land could be developed. As part of the Comprehensive Plan, a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use map in the plan indicates that the property has the land use designation of the "Commercial." All neighboring properties are also designated as Commercial.

Vicinities designated to be within the Commercial Area are generally concentrations of retail and services uses along arterial roadways and highways. These areas include commercial corridors, shopping centers, and other medium and large commercial vicinities geared toward vehicular traffic. The Commercial Area designation does not include many medium or large-scale commercial uses that are larger in scale and higher in intensity. The Comprehensive Plan notes that mixed use development may be appropriate in these areas.

Both parcels are within a General Commercial (C-1) Zoning District. Additionally, each adjacent parcel (including the opposite side of the roadway) is within a C-1 Zoning District. Canal Corkran, which mainly exists within the Medium Density and High Density Residential Zoning Districts is located along Canal Crossing Road. Other nearby communities include Park Shore (C-1) and a residential area along Norwood and Dunbar Streets which exists in a General Residential (GR) Zoning District.

Aside from the subject application, there have been 40 Conditional Uses within a one-mile radius of the subject property since 1971. 30 have been approved. Six applications have been denied.

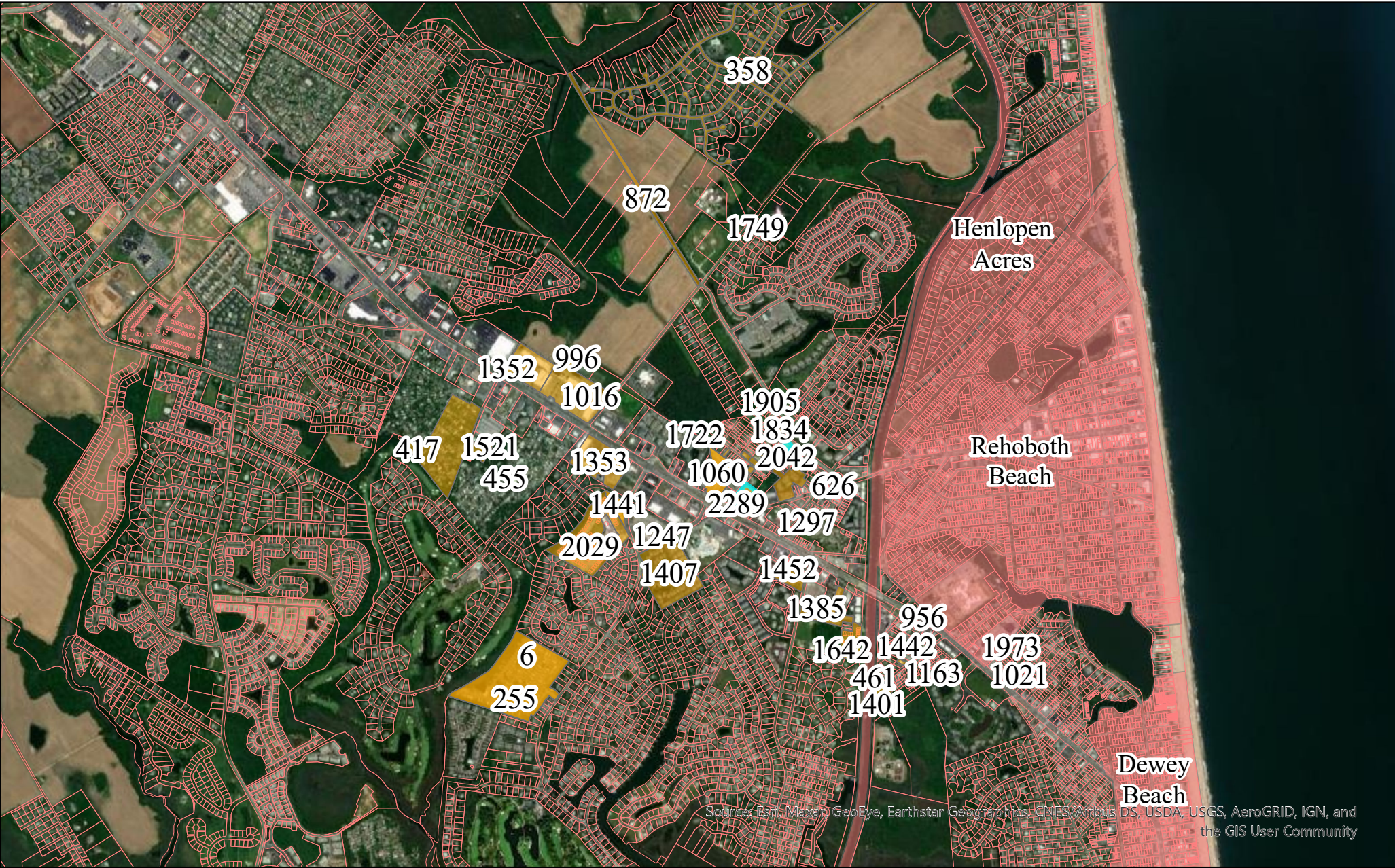


Three applications were withdrawn. Attached to this memo is a table that provides a summary of each application and a map that depicts the locations of each Conditional Use.

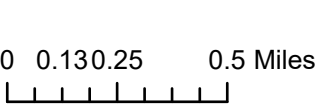
Based on the analysis provided, the Conditional Use to allow for an outdoor marketplace and other similar activities, subject to considerations of scale and impact, could be considered as consistent with the surrounding land uses, zoning, and environment.

CU #	Tax Parcel #	APPLICANT	Current Zoning	Proposed Use	P&Z Decision	CC Decision Date	CC Decision	Ordinance No.
1834	334-13.20-8.01	Richard F. Lynman	GR	storage of umbrella stands	Recommended Approval	10/5/2010	Approved	2150
358	334-7.00-34.00	Ocean Wave Hall Inc	AR-1	private lodge	N/A	<Null>	Approved	<Null>
1905	334-13.15-2.00	West Rehoboth Community Land Trust	GR	Multi-Family Duplex	Recommended Approval	1/3/2012	Denied	<Null>
1352	334-13.00-325.16	Rehoboth Outlets Center 3	C-1	sales of soft/hard goods off carts	Recommended Approval	5/1/2001	Approved	1450
872	334-13.00-361.00	Ocean Wave Hall, Inc.	AR-1	private club	Recommended Approval	9/29/1987	Approved	455
280	334-13.19-65.00	King Solomon Lodge	GR	private club	N/A	<Null>	Withdrawn	<Null>
626	334-13.20-33.00	Chicken Pot, Inc.	C-1	Flea Market	<Null>	<Null>	Approved	<Null>
1297	334-13.20-59.00	J. David Lynam	C-1	outdoor retail sales	<Null>	8/10/1999	Denied	<Null>
1452	334-19.00-163.09	Lutheran Church of Our Savior	C-1	pre-school	Recommended Approval	5/14/2002	Approved	1543
1521	334-13.00-311.00	Storage Equity Partners LP II	AR-1	self storage	Recommended Approval	3/9/2004	Approved	1663
255	334-19.00-13.00	Truitt Family	AR-1	extend manufactured home park	N/A	<Null>	Approved	<Null>
455	334-13.00-311.01	Sea Air Properties Inc	AR-1	addition to existing manufactured home park	N/A	<Null>	Approved	<Null>
417	334-13.00-308.00	Camelot Moible Home Park	AR-1/C-1	addition to existing manufactured home park	N/A	<Null>	Approved	<Null>
1070	334-13.19-63.00	West Side New Beginnings, Inc.	GR	private club/community activity center	Recommended Approval	4/12/1994	Approved	961
1223	334-13.19-61.00	West Side New Beginnings	GR	Private Club & Community Activity Center	Recommended Approval	2/10/1998	Approved	1213
956	334-19.08-165.00	Richard C. Miller	GR	multi-family	Recommended Denial	1/29/1991	Denied	<Null>
1407	334-19.00-154.01	Marsh Harbor L.L.C.	MR	multi-family	Recommended Denial	10/9/2001	Approved	1493
2042	334-13.20-24.00	Beachfire Brewing	C-1	Microbrewery	Recommended Approval	6/7/2016	Approved	2451
2214	334-13.20-25.00	Anthony Crivella & Harold Dukes Jr.	C-1	operate a food truck for a period exceeding three days	Recommended Approval	8/25/2020	Approved	2734
1722	334-13.19-10.00	West Rehoboth Community Land Trust	GR	Multi-Family Dwelling	Recommended Approval	1/30/2007	Approved	1891
1596	334-13.19-2.00	Carole A. Levitsky & Sara Tammany	GR	office bldg	Recommended Approval	11/9/2004	Approved	1725
1973	334-20.09-12.00	Sandhill Homes LLC	MR	Multi-family Dwelling Structure	Withdrawn	<Null>	Withdrawn	<Null>
844	334-20.09-11.00	James W. Tello	MR	multi-family	Recommended Denial	2/4/1986	Denied	<Null>
1021	334-20.09-9.00	Beebe Medical Center, Inc.	MR	60 or Older activities Center	Recommended Approval	10/13/1992	Approved	860
1345	334-13.00-359.00	Glenwood Aviation L.L.C.	C-1	helistop/heliport	Recommended Denial	8/3/2000	Withdrawn	<Null>
1749	334-13.00-337.00	Robin Erthal & Lynda Lake	AR-1	Multi-Family Dwelling	Recommended Denial	10/28/2008	Denied	<Null>
461	334-19.12-21.00	Hayward W Robinson	GR	ticket booth, apartment & related facilities, excursion boat	N/A	<Null>	Approved	<Null>
1442	334-19.12-16.00	Jayant Goyle	GR	multi-family	Withdrawn	2/19/2002	Withdrawn	<Null>
1163	334-19.12-38.02	James J. Doney & Jeffrey Mohr	GR	multi-family	Recommended Approval	10/1/1996	Approved	1106
1401	334-19.12-67.00	Randy Burton	GR	multi-family	Recommended Denial	7/31/2001	Approved	1482
1385	334-19.00-168.00	Bayside Development Group Inc.	AR-1	multi-family	Recommended Approval	5/15/2001	Approved	1457
1642	334-19.08-42.00	Sunrise Ventures L.L.C.	AR-1	multi-family	Recommended Approval	3/28/2006	Approved	1835
1441	334-13.00-325.07	Curtis Ricketts	MR	multi-family	Recommended Approval	3/12/2002	Approved	1525
2029	334-19.00-3.00	Truitt Homestead, LLC	MR	29 Multi-family dwellings	Recommended Approval	11/17/2015	Approved	2426
1353	334-13.00-325.20	Rehoboth Outlets Center 2	C-1	sales of soft/hard goods off carts	Recommended Approval	5/1/2001	Approved	1451
1016	334-13.00-325.06	Jefferson Learning Foundation	C-1	Independent Elementary School	Recommended Approval	9/1/1992	Approved	854
996	334-13.00-325.36	Ronald E. Lankford	AR-1	Family Amusement Park	Recommended Approval	3/21/1992	Denied	<Null>
1060	334-13.00-359.00	Gulf Stream Design Group	C-1	cinema & ice skating rink	Recommended Approval	12/14/1993	Approved	944
1247	334-13.00-325.07	Kings Creek Associates, Inc.	MR	16 Unit Multifamily Dwelling	Recommended Approval	7/21/1998	Approved	1251
6	334-19.00-13.00	J Dorman Johnson	AR-1	manufactured home park	N/A	4/13/1971	Approved	<Null>
2289	334-13.20-21.00	Leah Beach	C-1	Outdoor Special Events	<Null>	<Null>	<Null>	<Null>

# All Conditional Uses within One Mile of CU 2289 (Leah Beach)



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



This map may not contain all necessary elements or principles and is suggested to be utilized for general reference only.

Conditional Use data is sourced from Sussex County's Conditional Use layer.

Chase Phillips, Planner I



CU 2289  
202107629

# Planning & Zoning Commission Application Sussex County, Delaware

Sussex County Planning & Zoning Department  
2 The Circle (P.O. Box 417) Georgetown, DE 19947  
302-855-7878 ph. 302-854-5079 fax

**Type of Application: (please check applicable)**

Conditional Use   
Zoning Map Amendment

**Site Address of Conditional Use/Zoning Map Amendment**

19826 CENTRAL AV REHOBOTH BEACH, DELAWARE, 19971

**Type of Conditional Use Requested:**

Reoccurring public art market on site through 2022.

Tax Map #: 334-13.20-21.00 Size of Parcel(s): \_\_\_\_\_

Current Zoning: CO Proposed Zoning: N/A Size of Building: None

Land Use Classification: CO-COMMERCIAL

Water Provider: SUSSEX COUNTY Sewer Provider: SUSSEX COUNTY

**Applicant Information**

Applicant Name: Leah Beach  
Applicant Address: 8A Saulsbury Street  
City: Dewey Beach State: DE Zip Code: 19971  
Phone #: (302) 212-9798 E-mail: leah@developingarts.org

**Owner Information**

Owner Name: James Chaconas  
Owner Address: 387 County Rd 304  
City: Floresville State: TX Zip Code: 78114  
Phone #: (830) 216-2027 E-mail: None

**Agent/Attorney/Engineer Information**

Agent/Attorney/Engineer Name: Denise Moore \*Please contact agent  
Agent/Attorney/Engineer Address: N/A  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
Phone #: (302) 242-4433 E-mail: delawareagent@yahoo.com



# Check List for Sussex County Planning & Zoning Applications

The following shall be submitted with the application

- ✓ **Completed Application**
- ✓ **Provide eight (8) copies of the Site Plan or Survey of the property**
  - Survey shall show the location of existing or proposed building(s), building setbacks, parking area, proposed entrance location, etc.
  - Provide a PDF of Plans (may be e-mailed to a staff member)
  - Deed or Legal description
- ✓ **Provide Fee \$500.00**
- ✓ **Optional - Additional information for the Commission/Council to consider (ex. architectural elevations, photos, exhibit books, etc.)** If provided submit 8 copies and they shall be submitted a minimum of ten (10) days prior to the Planning Commission meeting.
- ✓ **Please be aware that Public Notice will be sent to property owners within 200 feet of the subject site and County staff will come out to the subject site, take photos and place a sign on the site stating the date and time of the Public Hearings for the application.**
- ✓ **DeDOT Service Level Evaluation Request Response**
- ✓ **PLUS Response Letter (if required)**

The undersigned hereby certifies that the forms, exhibits, and statements contained in any papers or plans submitted as a part of this application are true and correct.

I also certify that I or an agent on my behalf shall attend all public hearing before the Planning and Zoning Commission and the Sussex County Council and any other hearing necessary for this application and that I will answer any questions to the best of my ability to respond to the present and future needs, the health, safety, morals, convenience, order, prosperity, and general welfare of the inhabitants of Sussex County, Delaware.

**Signature of Applicant/Agent/Attorney**



Date: 5/17/2021

**Signature of Owner**

\_\_\_\_\_

Date: \_\_\_\_\_

**For office use only:**

Date Submitted: 05/18/2021 Fee: \$500.00 Check #: \_\_\_\_\_  
Staff accepting application: chase P. Application & Case #: 202107621  
Location of property: 1) 334-13.20-21.00 central Ave. & canal crossing Rd.  
2) 334-13.19-79.00 Rt. 1 & Hebron Rd.  
Subdivision: —  
Date of PC Hearing: \_\_\_\_\_ Recommendation of PC Commission: \_\_\_\_\_  
Date of CC Hearing: \_\_\_\_\_ Decision of CC: \_\_\_\_\_



STATE OF DELAWARE  
DEPARTMENT OF TRANSPORTATION  
800 BAY ROAD  
P.O. BOX 778  
DOVER, DELAWARE 19903

ICOLE MAJESKI  
SECRETARY

April 20, 2021

Mr. Jamie Whitehouse, Director  
Sussex County Planning & Zoning  
P.O. Box 417  
Georgetown, DE 19947

Dear Mr. Whitehouse:

The Department has completed its review of a Service Level Evaluation Request for the **Leah Beach** proposed land use application, which we received on April 16, 2021. This application is for an approximately 0.25-acre parcel (Tax Parcels: 334-13.20-21.00). The subject land is located on the southwest corner of Central Avenue and Canal Crossing Road which is south of the intersection of Canal Crossing Road and Hebron Road (Sussex Road 273). The subject land is currently zoned CO (Commercial) and the applicant seeks to operate a Public Art Market.

Per the 2019 Delaware Vehicle Volume Summary, the annual average daily traffic volume along Hebron Road from Canal Crossing Road to State Route 1 is 3,157 vehicles per day.

Based on our review, we estimate that the above land use will generate fewer than 50 vehicle trips per day. This number of trips is below DelDOT's minimum warrants for determining that a Traffic Impact Study (TIS) should be required for a particular development. DelDOT's regulations specify the minimum TIS warrants as 50 vehicle trips in any hour and/or 500 vehicle trips per day. Because the proposed land use would generate fewer than 50 vehicle trips per day, we consider the development's traffic impact to be **diminutive** in the context of our agreement with the County regarding land development coordination and we do not recommend that the applicant be required to perform a TIS for the subject application. DelDOT's description of this application as diminutive with regard to warranting a TIS does not mean that it is diminutive in other respects. We recommend that the applicant not be required to perform a TIS for the subject application.

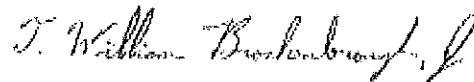
If the County approves this application, the applicant should be reminded that DelDOT requires compliance with State regulations regarding plan approvals and entrance permits, whether or not a TIS is required.



April 20, 2021

Please contact Ms. Annamaria Furmato, at (302) 760-2710, if you have questions concerning this correspondence.

Sincerely,

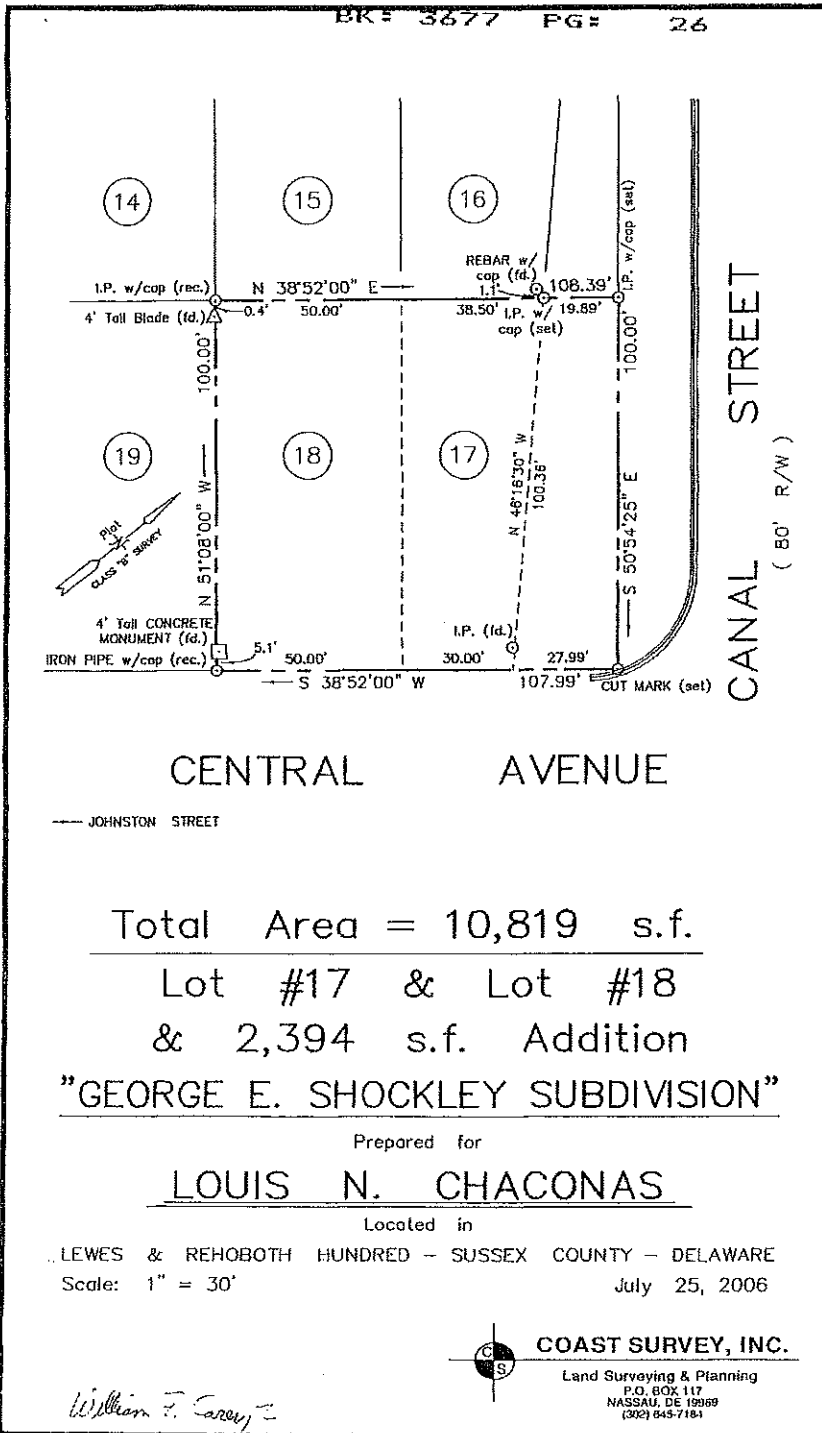


T. William Brockenbrough, Jr.  
County Coordinator  
Development Coordination

TWB:aff

Enclosure

cc: Leah Beach, Applicant  
Russell Warrington, Sussex County Planning & Zoning  
Constance C. Holland, Coordinator, Cabinet Committee on State Planning Issues  
Todd Sammons, Assistant Director, Development Coordination  
Scott Rust, South District Public Works Manager, Maintenance & Operations  
Steve McCabe, Sussex County Review Coordinator, Development Coordination  
Derek Sapp, Subdivision Manager, Development Coordination  
Kevin Hickman, Subdivision Manager, Development Coordination  
Brian Yates, Subdivision Manager, Development Coordination  
John Andrescavage, Subdivision Manager, Development Coordination  
James Argo, South District Project Reviewer, Maintenance & Operations  
Troy Brestel, Project Engineer, Development Coordination  
Claudy Joinville, Project Engineer, Development Coordination  
Annamaria Furmato, Project Engineer, Development Coordination



Total Area = 10,819 s.f.  
 Lot #17 & Lot #18  
 & 2,394 s.f. Addition  
 "GEORGE E. SHOCKLEY SUBDIVISION"

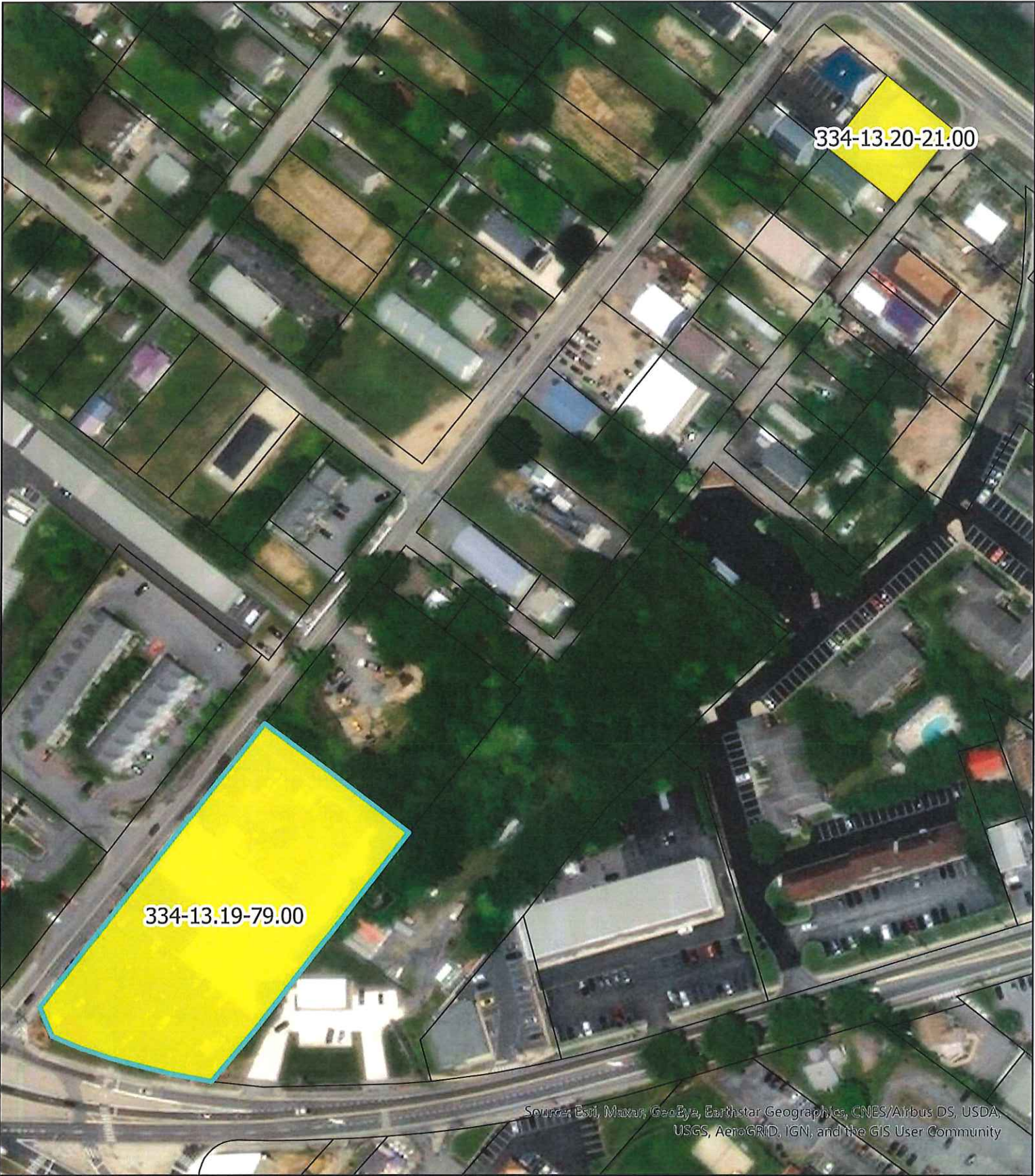
Prepared for  
LOUIS N. CHACONAS

Located in  
 LEWES & REHOBOTH HUNDRED - SUSSEX COUNTY - DELAWARE  
 Scale: 1" = 30' July 25, 2006

**COAST SURVEY, INC.**  
 Land Surveying & Planning  
 P.O. BOX 117  
 NASSAU, DE 19069  
 (302) 645-7181

*William F. Carey*

# Concept Map for CU 2289 (Leah Beach)



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



# Creative Market Parking Plan



Overview: Due to the limited parking options available we will be utilizing Quillens Hardware parking lot that is located near the Creative Market event. To ensure safety we will be hiring a shuttle service that will deliver customers from the Quillens parking lot to the Creative Market entrance that will continuously run from 5:30pm until 9:00pm. Parking and the shuttle service will be free.

There are 50 parking spaces available at Quillens Hardware parking lot. We will have liability insurance on the parking lot as well as a parking attendant volunteer on site to coordinate customers and the parking shuttle.



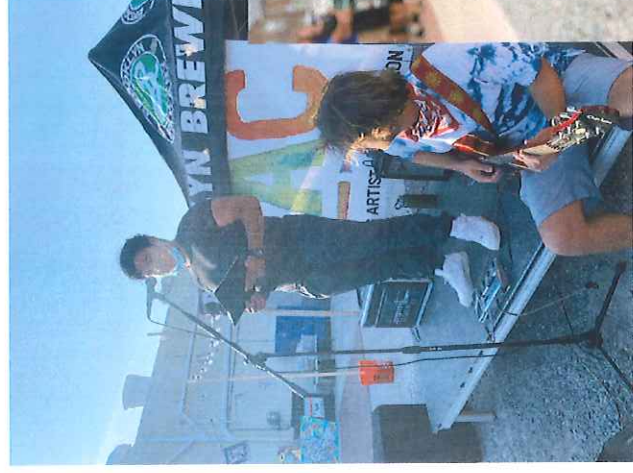
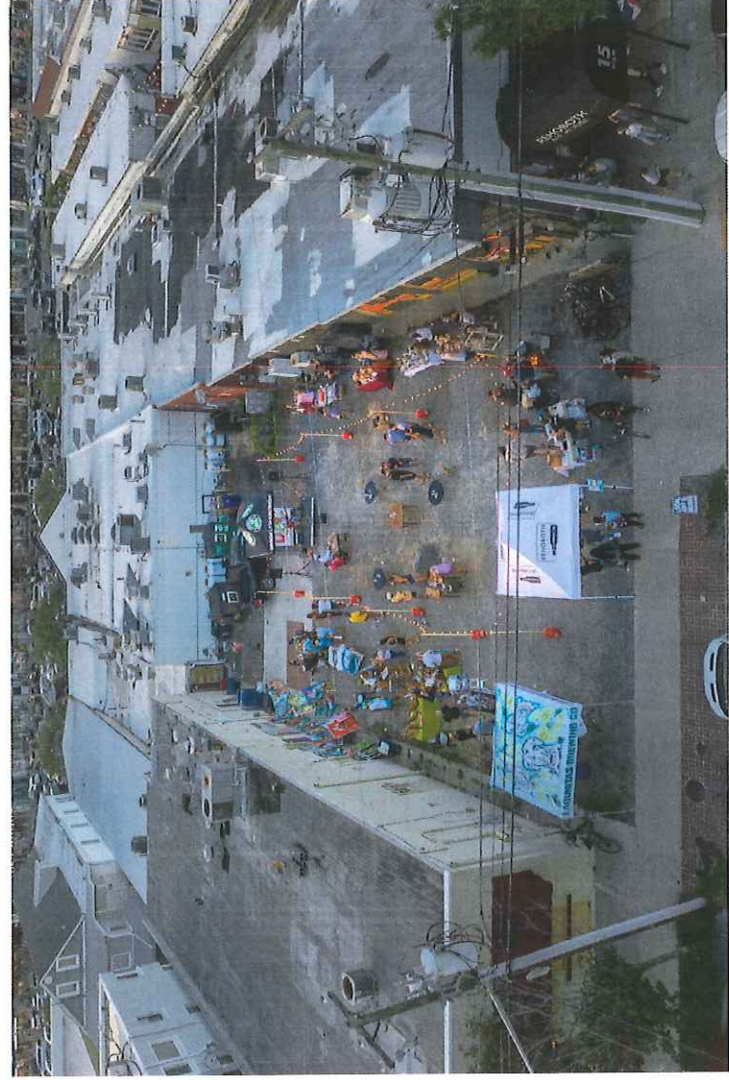




Creative Market was a small event that we did in 2020 on private property in Downtown Rehoboth Beach as a response to the Pandemic. Our goal was to give a platform for local artists and handmade businesses so that they could have access to the general community in an open air market. This market would allow the public to safely gather outdoors to purchase from these handmade artists. Almost all of the major vendor events and markets that many of these artists participate in were cancelled in 2020 so this market was detrimental to their businesses.

We then continued to add in small acoustics musical acts, spoken word, and poetry. The restaurants provided alcohol and food on site for customers to consume.

The event ran from June until late September and we decided to move Creative Market to West Rehoboth for 2021 to continue the program.





We will be transforming this lot located in West Rehoboth across from Tomato Sunshine and Ocean Boulevard Furniture into a weekly open air market which will be weather dependent. We will be building a low lying fence around the perimeter just to ensure crowd control and for contact tracing. There will be a perimeter of tables on site along with a stage for announcements and for small entertainment acts.

All vendors will be 100% artists or handmade small businesses from our local community as well as artists from across the State and surrounding States. There is space for 20 businesses each week and (1) sponsor business on display.

Entertainment on site will be limited to 1-2 man acoustic musical acts as well as single set poets, comedians, or theater groups.

Our vision is to have outdoor weather safe lights strung around the perimeter of the event secured by 16' PVC pipes that are secured in the ground with concrete. We will be constructing a arch way that customers will enter under with marquee letters that spell out Creative Market. There will be an opening in the back of the perimeter fence in case of emergency by our stage.

All alcoholic beverages will be donated to the Developing Artist Collaboration and will be responsibly served by ABC certified bartenders with the proceeds going to our non-profit.

~~Parking will be available on the same lots that Revelation Brewery and Tomato Sunshine utilize with a maximum of 50 cars. There will be a satellite parking lot option for us up Hebron Rd. Parking attendants will be on site of both parking lots as well as to assist with directing traffic, parking on the lots since the parking spots are not marked, and ensuring safe practices for pedestrian crossings.~~

Revelation Brewery will have a food truck on site as well as (2) outdoor Porta Potties (1) ADA complaint and their bathroom facility (also ADA complaint) available for all customers.

